IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Bail Appl..No. 603 of 2007()

CRIME NO.12/07 OF POTHUKALLU POLICE STATION

: PETITIONER/SECOND ACCUSED

MOHAMMED CHERRY,
RESIDING AT KUNNATH PARAMBIL HOUSE,
UPPADA P.O., NETTIKKULAM, MALAPPURAM DISTRICT
AND TALUK.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT AS STATE

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1. THE SUB INSPECTOR OF POLICE,
POTHUKALLU POLICE STATION,
MALAPPURAM DISTRICT.

2. THE STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN-682 031.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 603 OF 2007 A

Dated this the 2nd day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the 2nd accused in Crime No.12/07 of Pothukallu Police Station for offences punishable under Secs.452 and 332 read with section 34 I.P.C. and section 3 (2)(c) of P.D.P.P. Act, seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner and others had in the night of 22.1.07 at 11.15 p.m. trespassed to the Vaniyampuzha Forest Station and attacked the Deputy Forest Range Officer and others and that he is also involved in two other forest offences.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within a period of two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed.

This petition is disposed of as above.

(V. RAMKUMAR, JUDGE)

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